

Intellectual Property Group of
Pillsbury Winthrop Shaw Pittman LLP
Attorneys at Law
P.O. Box 10500
McLean, VA 22102-4059

RECEIVED
CENTRAL FAX CENTER
MAR 29 2006

Telephone: (703) 770-7900

Our Facsimile #: (703) 770-7901

FACSIMILE TRANSMISSION

TO: UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE #: (571) 273-8300

NO. Pages (Including this page) 23 FAX Opr: Kathy Oliver

IF YOU DO NOT RECEIVE CLEARLY ALL PAGES, PLEASE CONTACT US IMMEDIATELY

By Telephone AT: (703) 770-7900 (local)

->->->

USPTO:
PLEASE ACKNOWLEDGE CLEAR RECEIPT OF ALL PAGES INDICATED
ABOVE BY FAXING THIS PAGE BACK TO ONE OF OUR FACSIMILE
NUMBERS STATED ABOVE

In re PATENT APPLICATION of
Inventor(s) Sohail SHAMS
Appln. No. 10/761,938

Group Art Unit: 2161
Examiner: Asolfazi Tabatabai

series code | serial no.
Filed: 01/21/2004

Atty. Dkt. PM 016472-0311710
M#

TITLE: System and Method for
Automatically Processing
Microarrays

Date: March 29, 2006

Name or type of signed paper being transmitted:

- 1. Interview Summary
- 2. Terminal Disclaimer
- 3. Fee Transmittal
- 4. Supplemental Information Disclosure Statement with Form PTO-1449 and one reference

MESSAGE:

(ATTN: Atty/Sec . Transmit only one paper herewith. For papers not acceptable by fax, see back side of IAN Form Directory PAT-286 Rear. Do NOT file originals but fasten them in our file (left side) with this sheet and fax receipt on top. Do NOT send the originals nor a confirmation copy to the PRO.)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name Timothy C. Rooney Sig  Date 03/29/2006

016472-0311710
C# / M#

RECEIVED
CENTRAL FAX CENTER

MAR 29 2006

Customer No.: 00909
Interview Summary
Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Soheil SHAMS CONFIRMATION NO. : 2161
SERIAL NUMBER : 10/761,938 EXAMINER : Abolfazl Tabatabai
FILING DATE : January 21, 2004 ART UNIT : 2625
FOR : **SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING
MICROARRAYS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

INTERVIEW SUMMARY

Applicants' representative, the undersigned, was contacted via telephone by Examiner Tabatabai on March 29, 2006 regarding the above-captioned application. During the teleconference, Examiner Tabatabai requested that the Applicants file a terminal disclaimer to overcome the pending non-statutory obviousness-type double patenting rejection of claim 76 in view of claim 1 of U.S. Patent No. 6,731,781. See Office Action mailed August 22, 2005, pg. 2. Examiner Tabatabai indicated that upon filing of the terminal disclaimer, all pending claims (1-76) would be allowed. Accordingly, a terminal disclaimer is being filed herewith.

While applicants disagree with the non-statutory obviousness-type double patenting rejection set forth by the Examiner, the terminal disclaimer is being filed herewith solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Customer No.: 00909
Interview Summary
Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

Date: March 29, 2006

Respectfully submitted,

By: _____

Timothy C. Rooney
Registration No. 55,878

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7939
Fax: 703-770-7901